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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,782	09/28/2001	Royce D. Jordan JR.	010564	3405
26285	7590	02/09/2005	EXAMINER	
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222			NAWAZ, ASAD M	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/965,782	JORDAN, ROYCE D.
	Examiner	Art Unit
	Asad M Nawaz	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 September 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) 1-10 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 December 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Claims 1-22 are presented for examination.
2. Acknowledgment is made of the information disclosure statement received on September 23rd, 2002.

Claim Objections

3. Claims 1-10 are objected to because of the following informalities: In line 5 of claim 1, the claim should read "if the message *is* not delivered...". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-15, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawrence (US Patent No 6,628,935).

As to claim 1, Lawrence teaches an apparatus for sending a message to a wireless device over a wireless network, the apparatus comprising: a gateway for

receiving the message transmitted over an external network in communication with the gateway, the message including a deletion instruction to delete the message if the message not delivered to the wireless device, for attempting to deliver the message to the wireless device over the wireless network, and for carrying out the deletion instruction by deleting the message.(Abstract; Fig 1; col 3, lines 1-20; col 6, lines 16-56)

Claims 11, 12, 13, and 19 contain similar limitations as claim 1 above and are thus rejected under similar rationale.

As to claim 2, Lawrence teaches the apparatus of claim 1, wherein the gateway transmits the message over the external network when the deletion instruction is carried out.(col 1, lines 16-32; col 3, lines 1-20)

Claim 14 is essentially the method for the above-mentioned claim and is thus rejected under similar rationale.

As to claim 3, Lawrence teaches the apparatus of claim 1, wherein the gateway comprises a database for storing the message. (col 3, lines 34-61)

As to claim 4, Lawrence teaches the apparatus of claim 3, wherein the database has a directory structure for associating the wireless device with the message. (col 3, lines 34-61)

As to claim 5, Lawrence teaches the apparatus of claim 1, wherein the message is a text message.(col 1, lines 16-32)

As to claim 7, Lawrence teaches the apparatus of claim 1, wherein the deletion instruction is in a header of the message.(col 3, lines 6-34)

Claim 17 is essentially the method for the above-mentioned claim and is thus rejected under similar rationale.

As to claim 8, Lawrence teaches the apparatus of claim 1, wherein the external network is the Internet.(col 1, lines 15-32)

As to claim 9, Lawrence teaches the apparatus of claim 1, wherein the wireless device is a pager.(col 1, line s15-32; col 3, lines 1-20)

As to claim 10, Lawrence teaches the apparatus of claim 1, wherein the gateway attempts to deliver the message to the wireless device over the wireless network at a predetermined time.(col 6, liens 16-56)

Claim 18 is essentially the method for the above-mentioned claim and is thus rejected under similar rationale.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence (US Patent No. 6,628,935) as applied to claims 1 and 14 above, and further in view of Hung (US Patent No 6,722,143).

As to claim 6, Thorne teaches the apparatus of claim 5. However, Lawrence does not explicitly indicate that the instructions are contained in the text message.

Hung teaches the management of text messages on wireless devices, such as pagers, over Internet communications. Furthermore, a communication terminal, upon receipt of a message, may parse the received message for specific instructions/keywords. (col 1, lines 13-56; col 2, line 45)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Hung into those of Thorne to make the system more manageable. The sheer number of messages a user may receive with the advent and progress of innovative technology may overwhelm them. Also, the sender's and the receiver's system may or may not be standardized/proprietary. Thus the content of the messages may take many forms. It would be advantageous to provide a method for uniformly managing these messages.(Hung: col 1, lines 13-24; col 2, lines 10-23)

Claim 16 is essentially the method for the above-mentioned claim and is thus rejected under similar rationale.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPPLY/DIVISIONAL PATENT EXAMINER